



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14423 of 2018

V.Ramaraj

... Petitioner

Vs.

1) The Chairman
TANGEDCO,
800 Anna Salai,
Chennai - 600 002.

2) The Chief Engineer (Personnel)
800, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer / O & M,
TANGEDCO, CEDC South I,
K.K. Nagar,
Chennai - 600 078.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent i.e., the Chairman, TANGEDCO, Chennai to pass appropriate reasoned orders on the petitioner's representation dated 12.05.2018 regarding payment of Pension and General Provident Fund amount under the Old Scheme.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.G.Kasinathadurai,
Standing Counsel

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the first respondent i.e., the Chairman, TANGEDCO, Chennai to pass appropriate reasoned orders on the petitioner's representation dated 12.05.2018 regarding payment of Pension and General Provident Fund amount under the Old Scheme.



2. Heard Mr.S.Visvalingam, learned Counsel appearing for the petitioner, Mr.G.Kasinathadurai, learned Standing Counsel appearing for the respondents.

3. The learned Counsel appearing for the petitioner would submit that, the petitioner was appointed as Assessor by appointment order dated 12.03.2003 and on completion of training, he was able to join only on 09.06.2003. Though the appointment was made on compassionate ground, the petitioner was not permitted to join immediately, because of training. At any rate, the petitioner has joined his service on 09.06.2003 and having served for nearly 15 years, he retired from service on superannuation on 31.03.2018. Even though the petitioner joined the service on 09.06.2003, since the appointment order was issued on 12.03.2003 itself, i.e prior to new pension scheme came into effect, the respondent started collecting the General Provident Fund and also considered that the petitioner would come under Old Pension Scheme. After he retired from service on superannuation, since the petitioner is entitled to get the General Provident Fund under old scheme, he has made a representation to the respondents dated 12.05.2018, which was received on 14.05.2018. However, no order so far has been passed. Therefore, the petitioner is before this Court.

4. In this regard, the learned Counsel for the petitioner would submit that, if the said representation given by the petitioner dated 12.05.2018 is directed to be considered by the 1st respondent and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.

5. I have heard Mr.G.Kasinathadurai, learned Standing Counsel appearing for the respondents, who would submit that, the said representation of the petitioner dated 12.05.2018 shall be considered on merits and in accordance with law by the 1st respondent and a reasoned order to that effect would be passed within a shortest period that may be fixed by this Court.

6. Having considered the limited scope of the writ petition and also having taking into account the submissions made on either side, this Court is inclined to pass the following order:-

that the 1st respondent is directed to consider the representation of the petitioner dated 12.05.2018 with regard to his grievance of payment of General Provident Fund under old Pension scheme by taking into account the contribution made by the petitioner towards the said fund under the old scheme and pass orders thereon, on merits and in accordance with law for the purpose of granting such retiral benefits under old pension scheme, within a period of six weeks from the date of



7. With these directions, this writ petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

- 1) The Chairman
TANGEDCO,
800 Anna Salai,
Chennai - 600 002.
 - 2) The Chief Engineer (Personnel)
800, Anna Salai,
Chennai - 600 002.
 - 3) The Superintending Engineer / O & M,
TANGEDCO, CEDC South I,
K.K. Nagar,
Chennai - 600 078
- + 1 CC TO Mr.G.KASINATHADURAI, ADVOCATE IN SR No. 71336
+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 71234

RM

TE/SV/SAR-2 : 28/11/2018 : 3P/6C

Order in
W.P. (MD) No.14423 of 2018
05.07.2018